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S/N: 10/707,483

REMARKS

In the Office Action mailed June 28, 2005, the Examiner rejected claim 1 under 35 U.S.C. §103(a) as being unpatentable over Siuciak et al. (USP 5,055,790) in view of Du (USP 6,144,874 A). The Examiner objected to claims 2-13 as being dependent upon a rejected base claim, but indicated they were otherwise allowable.

Applicant appreciates the Examiner's indication of allowability for claims 2-13, and has accordingly amended claim 3 to read as an independent claim. Claim 2 has been amended to be dependent from claim 3. Applicant has also canceled claims 1 and 14-18 and added new claims 31-37. Claims 31-37 are believed drawn to the elected species.

In light of the amendments made herein, Applicant believes that the Examiner's basis for restricting between the four identified species is no longer applicable. In finalizing the restriction, the Examiner reiterated that Species I "regard[s] a method that only acquires a volume in an elliptic centric phase encode order," that Species II additionally "performs the step wherein a discarded acquisitions segment[] configures to be played out after the first SSFP pulse sequence and before the second SSFP pulse sequence," and that "Specie[s] III is the MR systems configuration[] to perform the method of Specie[s] II and Specie[s] IV is a computer system used with the MR system to perform a variation of the methods from either Species I or II depending on the system capabilities." Office Action, June 28, 2005, pg. 2

The claim set identified as reading on "Species I" (claims 1-13) no longer contains claims calling only for the acquisition of MR data in an elliptic centric phase encode order. Rather, claim 3, now the first independent claim, calls for both a reverse elliptic centric phase encode order and an elliptic centric phase encode order, in addition to an SSFP pulse

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sequence. Claims 19 and 26 (of Species III and IV, respectively) both call for "a reverse centric phase encode order," "a centric phase encode order," and at least one "SSFP pulse sequence." Thus, the interrelation between claims 3, 19, and 26 is readily apparent.

Furthermore, Applicant believes that claim 19 is generic as to claims 2-13 and 26-30. While claim 3 specifically calls for phase encode sequences that are "elliptic centric," the elements of claim 19 calling for "centric" phase encode sequences encompass such subject matter. That is, claim 19 does not limit the claimed centric phase encode sequences as being either elliptic or otherwise. Similarly, claims 3 and 26 both recite a first and a second SSFP pulse sequence. However, claim 19 does not specifically limit the apparatus therein to a single SSFP pulse sequence for acquisition of data from the first and second volumes. It is a well recognized principle that the article "a" can be construed to imply "one or more." See, e.g. *Abtox, Inc. v. Exitron Corp.*, 122 F.3d 1019, 43 U.S.P.Q.2d 1545 (Fed. Cir. 1997). Stated otherwise, claims 3 and 26 do not recite elements exclusive of claim 19 which render claims 3 and 26 independent or distinct of claim 19, and claim 19 contemplates an arrangement of elements strongly interrelated to those of claims 3 and 26. Therefore, claim 19 is generic as to claims 3 and 26. See MPEP §806.04(d) ("a generic claim should include no material element additional to those recited in the species claims, and must comprehend within its confines the organization covered in each of the species").

Additionally, "claims to be restricted to different species must recite the mutually exclusive characteristics of such species." MPEP §806.04(f). As described above, claim 19 is generic and does not recite material elements which render it independent or distinct from claims 3 and 26, and restriction of

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the claims of the present application is therefore unwarranted. Accordingly Applicant requests that claims 19-30 be rejoined.

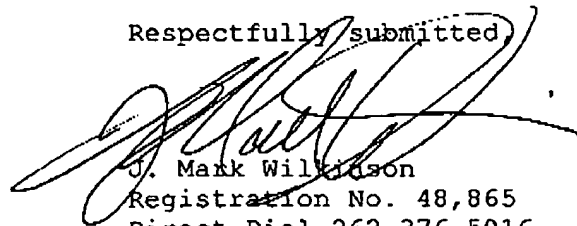
Claims 31-36 are newly presented here and are believed to be in condition for allowance. Claim 37, also newly presented herein, incorporates the subject matter of claims 1 and 2 as originally presented. All the new claims are directed to the elected species. Claims 11-13 have been amended to depend from claim 37.

Therefore, in light of at least the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 2-13 and 19-37.

Applicant authorizes charging of deposit account no. 07-0845 in the amount of \$250.00 for entry of the amendments made herein.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

Respectfully submitted,



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